

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1633 be amended to read as follows:

- 1 Page 1, delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 health and state offices and administration.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-23-6-1 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A
- 8 commission is hereby created which shall be known as the
- 9 "commission on forensic sciences." ~~It~~ **The commission** shall consist of
- 10 **the following** five (5) members appointed by the governor:
- 11 **(1) One (1) shall be a forensic pathologist.**
- 12 **(2) One (1) shall be a person engaged in police work with an**
- 13 **expertise in crime scene investigation.**
- 14 **(3) One (1) shall be a coroner. and**
- 15 **(4) One (1) shall be a lawyer. prosecutor.**
- 16 **(5) The state health commissioner, who shall be the fifth member**
- 17 **of the commission and shall serve as its the commission's**
- 18 **secretary.**
- 19 **(b) In making the appointments, the governor may consult with, but**
- 20 **shall not be bound by, the recommendation of organizations**
- 21 **representing such the categories of appointees. In the first instance one**
- 22 **(1) of the members shall be appointed for a term of one (1) year; one**
- 23 **(1) of the members shall be appointed for a term of two (2) years; one**
- 24 **(1) of the members shall be appointed for a term of three (3) years and**

one (1) of the members shall be appointed for a term of four (4) years. Thereafter, each member shall serve until his successor is appointed and has qualified.

(c) Members of the commission may be removed by the governor for cause and any vacancy shall be filled by appointment from the proper category. and for the unexpired term.

(d) The members shall elect one (1) of their ~~number~~ members to serve as ~~chairman~~ chairperson for a period of one (1) year.

SECTION 2. IC 4-23-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The membership of the commission shall be appointed not later than July 31, 1959, 1, 2007, and the commission shall hold its organization meeting upon call of its secretary within ten (10) days after its members are appointed.

SECTION 3. IC 4-23-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The commission shall meet at least once in each two-month period.

(b) A majority shall constitute a quorum for the transaction of business. and a per diem of ten dollars (\$10.00) per day, and actual expenses incurred shall be allowed to each member for his attendance. **Recommendations from the commission must receive the support of a majority of the voting members of the commission.**

(c) Each member of the commission who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member of the commission who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 4. IC 4-23-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The commission on forensic sciences shall promulgate and adopt rules in accordance with IC 4-22-2 to:

(1) create a medical examiner system to aid, assist, and complement the coroner in the performance of his duties by providing medical assistance in determining causes of death; and
(2) establish minimum and uniform standards of excellence; performance of duties; and maintenance of records to provide information to the state regarding causes of death for cases

investigated.

The commission shall also adopt any other rules that are necessary to carry out the provisions of this section.

(b) The commission shall establish five (5) medical examiner districts within the state; taking into consideration population; geographical size of the area covered; availability of trained personnel; death rate by both natural and unnatural causes; and similar related factors. No county may be divided in the creation of a district.

(c) A district medical examiner shall be appointed by the commission for each district from nominees who are physicians licensed to practice in Indiana. Nominees must reside in the district they are nominated for; and a preference shall be given to practicing physicians in pathology.

(d) The district medical examiner may appoint as many physicians as associate medical examiners as may be necessary to provide service within the district. The associate examiners shall be licensed to practice in Indiana with a preference to practicing pathologists.

(e) District and associate medical examiners may engage in the private practice of medicine or surgery in addition to their duties as medical examiners.

(f) The district and associate medical examiners shall, at the request of coroners in their districts:

- (1) provide medical assistance in investigating deaths;
- (2) provide or contract for laboratory facilities for performing autopsies and investigations;
- (3) provide for the keeping of reports of all investigations and examinations; and
- (4) provide other functions which may be specified in rules adopted by the commission.

(g) A district or associate medical examiner who performs a medical examination or autopsy under the direction of a coroner is immune from civil liability for performing the examination or autopsy.

SECTION 5. IC 4-23-6-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. This chapter expires June 30, 2008.**"

Page 2, after line 39, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The commission on forensic sciences established by IC 4-23-6-1 shall submit a report to the legislative council before November 1, 2007.

(b) The report must include the findings and recommendations of the commission regarding the following:

- (1) Whether a statewide medical examiner system would best serve the state. If the commission determines that a statewide medical examiner system is appropriate, the commission shall determine and include in the report the following:

- (A) The most efficient and effective structure for a

- 1 statewide medical examiner system to aid, assist, and
2 complement coroners in the performance of coroner duties
3 by providing medical assistance in determining causes of
4 death.
- 5 (B) The creation of medical examiner districts within
6 Indiana, taking into consideration:
- 7 (i) population;
8 (ii) geographical size of the area covered;
9 (iii) availability of trained personnel;
10 (iv) death rate by both natural and unnatural causes;
11 and
12 (v) whether the area covered is rural or urban.
- 13 (C) The process for selecting a district medical examiner
14 and support staff.
- 15 (D) Training requirements for a district medical
16 examiner's office.
- 17 (E) The employment structure of a district medical
18 examiner's office.
- 19 (F) The services that a district medical examiner should
20 provide to coroners, including:
- 21 (i) autopsies;
22 (ii) medical assistance in investigating deaths;
23 (iii) laboratory facilities for performing autopsies and
24 investigations;
25 (iv) reporting functions; and
26 (v) other services recommended by the commission.
- 27 (G) The funding mechanism for and cost of the
28 recommended system.
- 29 (2) Minimum and uniform standards of excellence,
30 performance of duties, and the maintenance of records to
31 provide to the state regarding causes of death for cases
32 investigated.
- 33 (3) The current county coroner system, including the
34 system's:
- 35 (A) cost;
36 (B) effectiveness; and
37 (C) responsiveness;
38 and methods by which to improve the current system.
- 39 (4) If a statewide medical examiner system described in
40 subdivision (1) is not recommended, a description of the
41 commission's recommended system, and the funding
42 mechanism for the system.
- 43 (5) Recommendations for legislation.
- 44 (c) The report submitted to the legislative council must be in an
45 electronic format under IC 5-14-6.
- 46 (d) This SECTION expires December 31, 2007.
- 47 SECTION 9. An emergency is declared for this act."

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1633 as printed February 9, 2007.)

Representative Walorski